

Carl L. Solomon | carl@solomonlawsc.com

May 1, 2015

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
PO Box 11629  
Columbia, SC 29211

**RECEIVED**  
MAY 04 2015  
SC Court of Appeals

Re: Jacquelyn Hollander v. The Irrevocable Trust Established by James Brown on August 1, 2000 and Russell L. Bauknight, as Trustee of the Irrevocable Trust Established by James Brown in August 1, 2000  
Appellate Case No.: 2013-001856

Dear Ms. Kitchings:


As you are aware, by Order dated April 14, 2015, of the Supreme Court of South Carolina, I was appointed as Special Receiver to protect the interests of Oshun Cyrus Hinton's clients following his sudden death. My office is still in the process of inventorying Mr. Hinton's files. However, it has come to my attention that Mr. Hinton filed a Petition for Rehearing with the Court of Appeals shortly before his passing and there were deficiencies with service and the filing fee.

Enclosed please find the following:

1. three (3) copies of the Petition for Rehearing previously filed on April 14, 2015, in the above-referenced matter;
2. proof of service;
3. a check made payable to the Clerk of Court in the amount to \$25.00 for the filing fee; and
4. a self-addressed, postage prepaid, envelope.

Please clock in two (2) copies, and return the copies to me in the self-addressed, postage prepaid, envelope provided. Thank you for your attention in this matter. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Carl L. Solomon

Enclosure(s)

CC: J. David Black, Esquire  
Burl F. Williams, Esquire

SLG File #: 211-13

75865

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

Honorable Doyet A. Early, III, Circuit Court Judge

Case No. 2012-CP-02-01059

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SC Court of Appeals

Jacquelyne Hollander, Appellant,

v.

The Irrevocable Trust Established by James Brown on August 1, 2000 and Russell L. Bauknight, as Trustee of the Irrevocable Trust established by James Brown in August 1, 2000, Defendants,

Of whom Russell L. Bauknight is the Respondent.

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SC Court of Appeals

PETITION FOR REHEARING

April 14, 2015

O. Cyrus Hinton  
Hinton and Associates, PA  
Two Law Place  
235 East Main Street, Suite #110  
Rock Hill, South Carolina 29730  
(803) 980-7772

Other Counsel of Record:  
J. David Black, Esq.  
PO Drawer 2426  
Columbia, South Carolina 29202-2426

It appears from this Honorable Court's Opinion of April 1, 2015 that the dismissal Order of the Trial Court is affirmed due to the Appellant's alleged failure to challenge the Trial Court's findings that the Complaint was not filed within the time required by the statute of limitations. This is an erroneous conclusion based upon the Trial Court's unorthodox handling of the case.

The Respondent never briefed his arguments to the Trial Court before oral arguments. After oral arguments the Trial Court eschewed having the arguments actually briefed, but instead sought alternative orders to be submitted by both sides. It was in those Proposed Orders where the arguments were made for consideration by the Trial Court.

Appellant's Proposed Order stated, in relevant part:

#### STATUTE OF LIMITATIONS

The record indicates that Plaintiff first appeared pro se in this matter under case number 2008-CP-02-1647 on January 28, 2009. Plaintiff has filed a motion with the Court under Rule 42, SCRCP, to consolidate this action with that case.

The Court did recognize Plaintiff's interest in the litigation and her cause of action in Illinois in its Settlement Order of May 26, 2009 and entered the Settlement Order intending to effectively settle all matters before the Court, including Plaintiff's interest in the Trust.

Although this particular action was filed on March 13, 2012 after the three-year statute of limitations period expired, the continuity of this litigation related back to Plaintiff's initial appearance of January 28, 2009 which was not formally dismissed until June 17, 2013.

Plaintiff's Complaint is also replete with allegations that the conduct of the Attorney General created in Plaintiff the reasonable belief that she could not proceed with her litigation in this Court. This is further supported by her efforts in litigation through other jurisdictions based upon the same cause of action pled herein.

Taking the Complaint as true for purposes of the motion to dismiss and the facts pled in a light most favorable to Plaintiff, the Complaint alleges sufficient facts that would estop Defendants from their argument that Plaintiff commenced this action after her statutory period has run.

Therefore, the issue was raised at the Trial Court and ruled on by it before it was brought to this Honorable Court for review. It was the Trial Court that chose the means for evaluating the issues (through proposed orders rather than through briefs) but it remains that the issues were presented and ruled on accordingly.

The precedents cited by this Honorable Court did not address a similar situation. In each case the record was devoid of the issues being raised at the Trial Court prior to being raised at the Court of Appeals.

Further, Appellant asks that this Honorable Court consider the uniqueness of this case. It appearing that the Trial Court may have acted arbitrarily in its handling of important issues in this case, contrary to the prior Orders of the Supreme Court of South Carolina, the Supreme Court has sought review over all Orders issued by the Trial Court during the period since their decision in *Wilson v. Dallas*, 403 S.C. 411, 743 S.E. 2d, 746 (2013) including the order in this action. (See docket entry March 13, 2013). The Trial Court has failed to give Appellant a fair hearing on the facts, which is all that she has sought herein.

#### CONCLUSION

For the reasons stated, this Court should provide a hearing en banc on the matters herein.

Respectfully submitted,

April 14, 2015



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O. Cyrus Hinton  
Hinton and Associates, PA  
Two Law Place  
235 East Main Street, Suite #110  
Rock Hill, South Carolina 29730  
(803) 980-7772

**PROOF OF SERVICE OF A PETITION FOR REHEARING**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

Honorable Doyet A. Early, III, Circuit Court Judge

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Case No. 2012-CP-02-01059

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Jacquelyne Hollander,

Appellant,

v.

The Irrevocable Trust  
Established by James Brown  
on August 1, 2000 and Russell  
L. Bauknight as Trustee of the  
Irrevocable Trust Established  
by James Brown in August 1,  
2000, Defendants,

Of whom Russell L.  
Bauknight is the Respondent

Respondent.

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**PROOF OF SERVICE**

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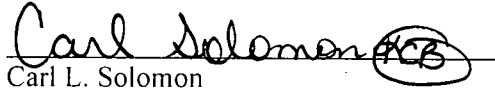
I certify that I have served the Petition for Rehearing on Russell L. Bauknight by depositing a copy of it in the United States Mail, postage prepaid, on May 1, 2015, addressed to his attorney of record, J. David Black, Esquire, Post Office Drawer 2426, Columbia, South Carolina 29202-2426 and Burl F. Williams, Esquire, Post Office Drawer 10648, Greenville, South Carolina 29603-0648.

[SIGNATURE BLOCK TO FOLLOW]

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MAY 04 2015  
SC Court of Appeals

May 1, 2015

SOLOMON LAW GROUP, LLC

Handwritten signature of Carl L. Solomon in cursive, with the initials 'CS' circled at the end.

Carl L. Solomon

South Carolina Bar No. 7306

Post Office Box 1866

Columbia, SC 29202-1866

(803) 391-3120 telephone

(803) 509-7032 facsimile

Special Receiver for Oshun Cyrus Hinton, Esquire

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The Honorable Jenny Abbott Kitchings  
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